

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION

In re:)
) Case No. 19-00730-5-JNC
CAH ACQUISITION COMPANY #1, LLC)
d/b/a WASHINGTON COUNTY HOSPITAL,) Chapter 11
)
Debtor.)
)
THOMAS W. WALDREP, JR., AS)
LIQUIDATING TRUSTEE,)
) Adv. Proc. No. 22-00101-5-JNC
Plaintiff,)
)
v.)
)
REBOOT, INC. d/b/a HIPAA GUARD;)
RURAL LAB OUTREACH, LLC; and)
MICHAEL REECE,)
)
Defendants.)
)
In re:)
) Case No. 19-01230-5-JNC
CAH ACQUISITION COMPANY #2, LLC)
d/b/a OSWEGO COMMUNITY HOSPITAL,) Chapter 11
)
Debtor.)
)
THOMAS W. WALDREP, JR., AS)
LIQUIDATING TRUSTEE,)
) Adv. Proc. No. 22-00102-5-JNC
Plaintiff,)
)
v.)
)
REBOOT, INC. d/b/a HIPAA GUARD;)
RURAL LAB OUTREACH, LLC; and)
MICHAEL REECE,)
)
Defendants.)
)

In re:)	
CAH ACQUISITION COMPANY #3, LLC)	Case No. 19-01180-5-JNC
d/b/a HORTON COMMUNITY HOSPITAL,)	Chapter 11
Debtor.))
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THOMAS W. WALDREP, JR., AS)	
LIQUIDATING TRUSTEE,)	
Plaintiff,)	Adv. Proc. No. 22-00103-5-JNC
v.))
REBOOT, INC. d/b/a HIPAA GUARD;)	
RURAL LAB OUTREACH, LLC; and)	
MICHAEL REECE,)	
Defendants.))
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In re:)	
CAH ACQUISITION COMPANY 6, LLC)	Case No. 19-01300-5-JNC
d/b/a I-70 COMMUNITY HOSPITAL,)	Chapter 7
Debtor.))
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THOMAS W. WALDREP, JR., AS)	
CHAPTER 7 TRUSTEE,)	
Plaintiff,)	Adv. Proc. No. 22-00104-5-JNC
v.))
REBOOT, INC. d/b/a HIPAA GUARD;)	
RURAL LAB OUTREACH, LLC; and)	
MICHAEL REECE,)	
Defendants.))
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In re:)	
CAH ACQUISITION COMPANY 7, LLC)	Case No. 19-01298-5-JNC
d/b/a PRAGUE COMMUNITY HOSPITAL,)	Chapter 11
Debtor.))
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THOMAS W. WALDREP, JR., AS)	
LIQUIDATING TRUSTEE,)	
Plaintiff,)	Adv. Proc. No. 22-00105-5-JNC
v.))
REBOOT, INC. d/b/a HIPAA GUARD;)	
RURAL LAB OUTREACH, LLC; and)	
MICHAEL REECE,)	
Defendants.))
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In re:)	
CAH ACQUISITION COMPANY 12, LLC)	Case No. 19-01697-5-JNC
d/b/a FAIRFAX COMMUNITY HOSPITAL,)	Chapter 11
Debtor.))
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THOMAS W. WALDREP, JR., AS)	
LIQUIDATING TRUSTEE,)	
Plaintiff,)	Adv. Proc. No. 22-00106-5-JNC
v.))
REBOOT, INC. d/b/a HIPAA GUARD;)	
RURAL LAB OUTREACH, LLC; and)	
MICHAEL REECE,)	
Defendants.))
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In re:)	
CAH ACQUISITION COMPANY 16, LLC)	Case No. 19-01227-5-JNC
d/b/a HASKELL COUNTY COMMUNITY)	
HOSPITAL,)	Chapter 11
)	
Debtor.)	
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THOMAS W. WALDREP, JR., AS)	
LIQUIDATING TRUSTEE,)	
)	Adv. Proc. No. 22-00107-5-JNC
Plaintiff,)	
)	
v.)	
)	
REBOOT, INC. d/b/a HIPAA GUARD;)	
RURAL LAB OUTREACH, LLC; and)	
MICHAEL REECE,)	
)	
Defendants.)	
)	

MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES

NOW COMES, Thomas W. Waldrep, Jr., Plaintiff in the above captioned actions, by and through the undersigned counsel, and hereby moves the Court for an order striking, pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 12(f) of the Federal Rules of Civil Procedure (the “Civil Rules”), the “affirmative defenses” component of the *Answer, Affirmative Defenses, Motion to Dismiss and Supporting Law* (the “Responsive Pleading”) filed on July 27, 2022 by defendants Reboot, Inc., d/b/a HIPAA GUARD (“Reboot”); Rural Lab Outreach, LLC (“RLO”); and Michael Reece (“Reece,” altogether with Reboot and RLO, the “Defendants”) in the above-captioned adversary proceedings for asserting insufficient, redundant, and immaterial defenses that are not cognizable affirmative defenses. Plaintiff is filing a memorandum of law in support of this motion concurrently herewith.

NOW, THEREFORE, Plaintiff respectfully requests that the Court strike the “affirmative defenses” component of Defendants’ Responsive Pleading.

Respectfully submitted, this the 17th day of August, 2022.

/s/ *Micah E. Marcus*

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/s/ *Thomas W. Waldrep, Jr.*

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Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the forgoing **MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES** was filed electronically in accordance with the Local Rules and served on this date upon the parties listed below by electronic service through the CM/ECF system or by United States First Class Mail.

Via CM/ECF

Eric J. Langston

Counsel for defendants Reboot, Inc. d/b/a HIPAA GUARD; Rural Lab Outreach, LLC; and Michael Reece

Jill Walters

Counsel for defendants Reboot, Inc. d/b/a HIPAA GUARD; Rural Lab Outreach, LLC; and Michael Reece

This, the 17th day of August, 2022.

**WALDREP WALL BABCOCK
& BAILEY PLLC**

/s/ Thomas W. Waldrep, Jr.

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